# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 09/897,232 | 07/02/2001 | David James Stevenson | 01-494 | 9022 |

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| EXAMINER |
|---|
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| 2152 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/897,232 | DAVID JAMES STEVENSON |
| | Examiner | Art Unit | |
| | Duyen M. Doan | 2152 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on <u>15 June 2007</u>.

2a) ☒ This action is **FINAL**.  2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>24 September 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some *  c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

This office action is in response to the submission filed on 6/15/2007. Claims 1-25 are

amended for examination.

### *Response to Arguments*

Applicant's arguments with respect to claims 1-25 have been considered but are

moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12, 14-16, 19-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Justice, Jr. et al (us pat 6,418,469) (hereinafter Justice) in view of

Johnson (us pat 6,275,855).

**As regarding claim 1**, Justice discloses receiving network management data

(col.1, lines 25-39), and determining if the network management data indicates the

resolution of a previous event generated by the network management system in

response to previously received network management data (col.1, lines 25-67, col.3,

lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the list of action and

recurring action, determine if the event in the log is resolved, then the management

program updates the event list in response to the condition being resolved, the previous

event is just an event in the log); automatically removing said previous event from a

memory of the network management system (see Justice col.1, lines 38-42, col.3, lines

57-58, automatically remove the event from the log without user intervention). Justice

discloses automatically update the event list in the condition being resolved, Justice

does not explicitly disclose determining the resolution of event in real-time and changing

a severity indicator of said previous event dependent on said determining step;

depending on said severity indicator. However the concept of determining network

event resolution in real-time and changing the severity indication is a well-known

concept in the networking art. For instant Johnson discloses a network management

system that having the capability of facilitate real-time problem resolution and changing

the severity indicators by changing the color code on the interface (see Johnson col.1,

lines 29-30; col.2, lines 18-30; col.5, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to combine the teaching of Johnson to the method of Justice

include determining in real-time and changing the severity indicators for the purpose of

allowing for the immediate execution of remedial actions to minimize adverse

consequence potential associated with the event (see Johnson col.3, lines 4-6).


**As regarding claim 2**, Justice-Johnson discloses if the network management

data indicates the resolution of a previous event, the method further comprises marking

the previous event as resolved (see Justice, Fig.8, mark date and time of resolved

event).


**As regarding claim 3**, Justice-Johnson discloses the network management data

is processed in response to the network management system receiving network

management data from the network (see Justice, col.1, lines 25-67).


**As regarding claim 4**, Justice-Johnson discloses the network management data

comprising values of a monitored characteristic of a part of the network for which an

event is generated if the monitored value exceeds a predetermined threshold (see

Justice col.3, lines19-67, col.4, lines 1-33; also see Fig.5, the log represents the list of

action and recurring action, determine if the event in the log is resolved, then the

management program updates the event list in response to the condition being

resolved, the previous event is just an event in the log), wherein an event list includes

an unresolved previous event for the monitored characteristic, wherein the step of

receiving network management data comprises receiving a value for the monitored

characteristic, and the step of determining comprises considering whether the

monitored value has been below the predetermined threshold for a preceding time

period, and if so determining that the received value indicates the resolution of the

unresolved previous event (see Justice col.3, lines19-67, col.4, lines 1-33; also see

Fig.5, the log represents the list of action and recurring action, determine if the event in

the log is resolved, then the management program updates the event list in response to

the condition being resolved, the previous event is just an event in the log).


**As regarding claim 5**, Justice-Johnson discloses in response to receiving the

network management data, comparing a first received value for the monitored

characteristic with the predefined threshold, and if the value is below the predefined

threshold, starting a timer, the timer expiring at the end a predefined time period (see

Justice col.3, lines 26-67, col.4, lines 1-33).


**As regarding claim 6**, Justice-Johnson discloses comparing each subsequent

received value for the monitored characteristic with the predefined threshold, and if any

value exceeds the threshold canceling the timer (see Justice col.3, lines 26-67, col.4,

lines 1-33).


**As regarding claim 7**, Justice-Johnson discloses when the timer expires,

determining that the monitored value has been below the predetermined threshold for

the preceding time period (see Justice col.3, lines 26-67, col.4, lines 1-33).

**As regarding claim 8**, the limitations are similar to limitation of rejected claim 1,

therefore rejected for the same rationale as claim 1, in addition Justice-Johnson

discloses periodically receiving a value for the monitored characteristic (see Justice,

col.4, lines 19-33); if a received value exceeds a predetermined threshold for the

monitored characteristic generating an event (see Justice, col.3, lines 43-67, col.4, lines

1-17); and thereafter, periodically considering whether the monitored value has been

below the predetermined threshold for a preceding time period, and if so determining

that the event is resolved (see Justice col.3, lines 26-67).  The same motivation was

utilized in claim 1 applied equally well to claim 8.

**As regarding claim 9**, Justice-Johnson discloses the preceding time period is an

immediately preceding predetermined time period, and the step of periodically

considering comprises considering whether the monitored value has been below the

predetermined threshold for the immediately preceding time period in response to each

subsequently received value (see Justice col.3, lines 19-67, col.4, lines 1-33).

**As regarding claim 10**, Justice-Johnson discloses the step of considering

determines that the event is resolved; the method further comprises marking the event

as resolved (see Justice Figure 8, mark the date of the resolved event).

**As regarding claim 11**, Justice-Johnson discloses the network management

data relating to an asynchronous Trap being received by the network management

system, wherein the step of determining comprises considering if the Trap indicates the possible resolution of an event in an event log (see Justice, col.3, lines 14-67).

**As regarding claim 12**, Justice-Johnson discloses if the Trap indicates the possible resolution of an event in an event log, the step of determining further comprises considering whether the event log includes a previously received event that is resolved by the Trap (see Justice col.3, lines 14-67).

**As regarding claim 14**, Justice-Johnson discloses the method processes network management data previously received by the network management system and stored in memory (see Justice col.3, lines 6-13, database store action list).

**As regarding claim 15**, Justice-Johnson discloses the step of receiving network management data comprises receiving event data relating to an event stored in memory, in response to a scan of previously generated events stored and included in an event log (see Justice, col.2, lines 51-67).

**As regarding claim 16**, Justice-Johnson discloses the event data relates to a recurring event and includes the time of the last occurrence of the event (see Justice col.2, lines 51-67, Figure.8).

**As regarding claim 19**, the limitations are similar to limitation of rejected claim 1, therefore rejected for the same rationale as claim 1, in addition Justice-Johnson discloses a method for processing event data generated by a network management system during the monitoring of a network (see Johnson col.5, lines 47-67; col.6, lines 1-8) the method processing event data relating to events previously generated by the network management system a plurality of times and which may be entered in the event log as a recurring event (see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log, event 11000 appeared three times in the log, also see Figure.8, upgrade system Rom appeared twice with two different time periods), determining if an event has already been logged a predetermined number of times in an event list, and if so automatically identifying a recurring event to be processed from the event list (see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5); and considering whether the condition which caused the event to be generated has occurred in a preceding time period (see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5). The same motivation was utilized in claim 1 applied equally well to claim 19.

**As regarding claim 20**, Justice-Johnson discloses if the step of considering determines that the condition which caused the event to be generated has not occurred in the preceding time period, determining the event to be resolved (see Justice col.1,

lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the

list of action and recurring action, determine if the event in the log is resolved, then the

management program updates the event list in response to the condition being

resolved, the previous event is just an event in the log).

**As regarding claim 21**, Justice-Johnson discloses mark the event in the event

list as resolved (see Johnson col.6, lines 39-41). The same motivation was utilized in

claim 1 applied equally well to claim 21.

**As regarding claim 22**, the limitations are similar to claim 1, therefore rejected

for the same rationale as claim 1.

**As regarding claims 23-25**, the limitations are similar to claims 1-4, therefore

rejected for the same rationale as claims 1-4.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Justice,

Jr. et al (us pat 6418469) (hereinafter Justice) in view of Johnson (us pat 6,275,855)

and further in view of Arrowsmith et al (us pat 66,373,383) (hereinafter Arrowsmith).

**As regarding claim 13**, Justice considering if the Trap (col.1, line13, trap) indicates the possible resolution of a event in an event log, and if so considering if the Trap indicates the possible resolution of a further event in the event log (see Justice col.3, lines 26-58, the network message Trap indicate the same problem or other problem has occurred, management application identify when a condition has been resolved).

Justice does not explicitly disclose considering in real-time. However the concept of considering in real-time is a well-known concept in the networking art. For instant Johnson discloses a network management system that having the capability of facilitate real-time problem resolution (see Johnson col.1, lines 29-30; col.2, lines 18-30; col.5, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Johnson to the method of Justice include determining in real-time for the purpose of allowing for the immediate execution of remedial actions to minimize adverse consequence potential associated with the event (see Johnson col.3, lines 4-6).

The combination of Justice-Johnson does not teach determining if the received Trap is a reportable condition.

Arrowsmith teaches determining if the received Trap is a reportable condition (see arrowsmith col.4, lines 16-27, if the alarms pass the filter criteria, the alarm message is sent to the appropriate network management application).

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to combine the teaching of Arrowsmith to the method of Justice-

Johnson to determine if the received trap is a reportable condition because by doing so

it would provide great control over which alarm get reported to network management

applications and to ensure consistency of reported alarms across multiple network

application (see Arrowsmith col.4, lines 65-67 to col.3, lines 1-2).

Claims 17-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Justice in view of Johnson as applied to claim 16 above and further in view of Gaffaney

et al (us pat 5634008) (hereinafter Gaffaney).

**As regarding claim 17**, Justice-Johnson discloses all limitations of claim 1, 16

above but does not discloses comparing the present time with the time of the last

occurrence of the event, and, if the time difference is greater than a predetermined time

interval, determining that the event is resolved.  Gaffaney teaches comparing the

present time with the time of the last occurrence of the event (col.3, lines 1-12), and, if

the time difference is greater than a predetermined time interval, determining that the

event is resolved (col.3, lines 1-12).

It would have been obvious to one with ordinary skill in the art at the time of the

invention was made to combine the teaching of Gaffaney to the method of Justice-

Johnson to have comparing the time of the events, if the time difference is greater than

a predetermined time interval, determining that the event is resolved for the purpose of

eliminating the need for maintenance of multiple timer and for recalculating time

intervals in order to determine whether or not prescribed threshold conditions

associated with a plurality of events associated with a plurality of devices in

communication network have been detected (see Gaffaney col.2, lines 14-29).


**As regarding claim 18**, Justice-Johnson-Gaffaney discloses the step of

determining determines that the event is resolved, the method further comprises

marking the recurring event as resolved (see Justice, col.2, lines 51-67, col.3, lines 1-

67, also see Fig.8, mark the date and time of the resolved event).


### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan
Art unit 2152
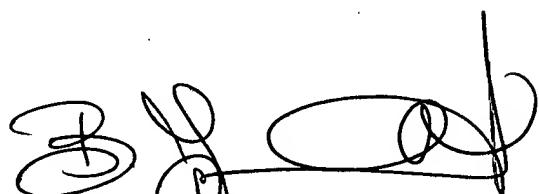
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7/5/7